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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,087	10/31/2003	Samit Kumar Basu	131029	1844
41838	7590	10/19/2005		EXAMINER
				KAO, CHIH CHENG G
			ART UNIT	PAPER NUMBER
				2882

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

(K)

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)
	10/699,087	BASU ET AL.
	Examiner	Art Unit
	Chih-Cheng Glen Kao	2882

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) The period for reply expires 3 months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

- (a) They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) They raise the issue of new matter (see NOTE below);
- (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 9-26.

Claim(s) objected to: _____.

Claim(s) rejected: 1-8, 27 and 28.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. Other: _____.


EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding at least claim 1, Applicants argue that Picard et al. fails to disclose or suggest a phantom comprising markers that are (1) spaced apart from one another axially along the supporting structure and along a central axis of the supporting structure or (2) circumferentially over not more than a revolution about the supporting structure as claimed. The Examiner disagrees. The helical arrangement of markers (fig. 3) in Picard et al. reads on markers spaced axially along and along a central axis. In other words, markers of Picard et al. (fig. 3, markers on #8) read on markers spaced apart from one another axially along the supporting structure (fig. 3, #8) and along a central axis (fig. 3, axis on the z-axis) of the supporting structure (fig. 3, #8). This is further illustrated in figure 2a as seen on page 3 in the Office Action mailed 8/2/05. Therefore, Picard et al. anticipates a phantom comprising markers that are (1) spaced apart from one another axially along the supporting structure and along a central axis of the supporting structure or (2) circumferentially over not more than a revolution about the supporting structure as claimed.

Regarding claim 27, Applicants argue that Picard et al. fails to disclose markers being spaced linearly along a central axis of the supporting structure. The Examiner disagrees. As seen on page 3 in the Office Action mailed 8/2/05, markers are spaced linearly in each of the separate parallel lines inserted into figure 2a. One inserted line has a plurality of markers spaced linearly along a central axis of the supporting structure. The inserted parallel line below or above the first said inserted line also has a plurality of markers spaced linearly along a central axis of the supporting structure. Therefore, Picard et al. does disclose markers being spaced linearly along a central axis of the supporting structure (fig. 2a).

Regarding claim 28, Applicants argue that Picard et al. fails to disclose markers being placed at varying radial depth within the supporting structure. The Examiner disagrees. As seen on page 4 in the Office Action mailed 8/2/05, markers are placed at varying radial depth from a center point in the supporting structure. By picturing a sphere enclosing all markers, wherein the sphere is concentric with the supporting structure (fig. 2a), all markers are placed at varying radial depth from that sphere. Therefore, Picard et al. does disclose markers being placed at varying radial depth (of a sphere) within the supporting structure (fig. 2).

In conclusion, Applicants' arguments are not persuasive, and the claims remain rejected.